



US Army Corps
of Engineers
Kansas City District
Leaders in Customer Care

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CENWK-OD-R (NWKGP-38M)
700 Federal Building
Kansas City, MO 64106-2896

Public Notice No.
NWKGP-38M

Public Notice Date
June 7, 2000

Expiration Date

LAKE OF THE OZARKS
BENTON, CAMDEN, MILLER AND MORGAN COUNTIES, MISSOURI
ISSUANCE OF GENERAL PERMIT
VARIOUS RECREATIONAL/COMMERCIAL SHORELINE DEVELOPMENT ACTIVITIES

The U.S. Army Corps of Engineers, Kansas City District **HAS ISSUED** general permit NWKGP-38M (copy enclosed) for common recreational and commercial shoreline development activities in the Lake of the Ozarks, lakeward of the ordinary high water mark (OHWM), elevation 658.5 feet, Union Electric datum (UED), under authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

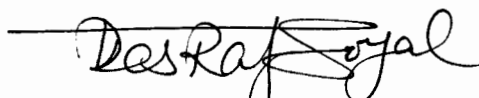
Duration of this General Permit: This general permit is issued and is in effect for five (5) years from the date of this notice, unless revoked or specifically extended.

Notification Procedures: Individuals desiring to undertake work authorized by this general permit must notify the District Engineer, Kansas City District, c/o **Truman Regulatory Satellite Office** (ATTN: CENWK-OD-RM-HT) Route 2, Box 29-C, Warsaw, Missouri 65355 (Telephone 816-438-6697). The notification must include detailed drawings with dimensions (location map, plan view, cross sections), with elevations specified in UED, and include sufficient information to determine if the proposed work conforms to the criteria and conditions of the general permit. Department of the Army (DA) permit application (ENG Form 4345) may be used for this purpose, and is available to download at www.nwk.usace.army.mil/conops/regulatory.htm or may be requested by calling the Truman Regulatory Satellite Office. Applicants unfamiliar with preparing drawings and identifying the OHWM are encouraged to contract with a qualified consultant. Applicants are also encouraged to provide photographs (with date of photograph and camera direction recorded) with their application as this may facilitate quicker review of the application.

If the Kansas City District determines that the proposed work meets the provisions of the general permit, and no extraordinary conditions exist that warrant evaluation as an individual permit, the proponent will be notified to proceed subject to compliance with any mitigation requirements and verification special conditions. All activities verified as authorized by this general permit must comply with the general and special conditions of the enclosed copy of the general permit.

The Kansas City District anticipates the completion general permit operating and management procedures with AmerenUE for this general permit, whereby AmerenUE would assume the role as the agency of notification and the responsibilities for issuing verification that a particular project falls within the limits and conditions of the general permit. The Kansas City District would monitor this verification process and applicant compliance with the permit conditions, and would retain responsibility for enforcement of the permit conditions. A Public Notice will be issued if/when the notification process changes.

PERMITTING CONSULTANT TRAINING PROGRAM. In a public notice dated November 6, 1998, the Kansas City District and AmerenUE also proposed to develop a program to train private firms and individuals for a permitting consultant referral list. The list would be furnished, without recommendation or guarantee, to applicants in need of assistance in completing a permit application. Listed consultants would be expected to provide assistance in identifying Lake of the Ozarks influenced wetlands, staking the OHWM, preparing application drawings, developing mitigation proposals, monitoring contractor compliance with permit conditions and any other matter in the contract between the applicant and consultant. An insufficient number of replies were received to advance this program. We again request that parties interested in participating should send a written request with a resume documenting any experience with the items listed above to **Mr. Mark D. Frazier**, U.S. Army Engineer District-Kansas City, ATTN: CENWK-OD-R, 700 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106-2896 (Telephone: 816-983-3664; FAX: 816-426-2321; EMail mark.d.frazier@usace.army.mil). *This proposed referral list is not associated with the Corps proposed Wetland Delineator Certification Program.*



Des R. Goyal
Chief, Operations Division

Enclosure

NOTICE TO EDITORS. This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. NWKGP-38M, Shoreline Development Activities

Issuing Office U.S. Army Engineer District, Kansas City

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

Project Description: Proposed and/or Completed Work: The excavation and/or discharge of dredged or fill material for the following structures or projects, subject to the general and special conditions of this permit, and the criteria in the attached appendices: Retaining walls and bank stabilization (Appendix I); Boat ramps (Appendix II); Decks, piers, pilings, breakwaters, and small private or recreational bridges (Appendix III); Mechanical excavation for existing and proposed boat docks, and for access to other structures (Appendix IV); Water intakes structures, outfall structures, heat pump loops, water line crossings, overhead and submerged communication and electric lines and other utility lines (Appendix V); and Fish attractant devices (Appendix VI).

Project Location: Lake of the Ozarks, lakeward of the ordinary high water mark (OHWM), elevation 658.5 feet Union Electric datum (UED), in Miller, Morgan, Benton and Camden Counties, Missouri. Work in adjacent wetlands and in tributaries of the lake, landward/upstream of OHWM, is not authorized by this permit.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 2 years from each permit verification. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See continuation sheets, pages 4 and 5, of this document.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

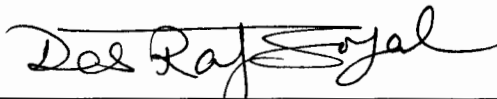
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

GENERAL PUBLIC - SIGNATURE NOT REQUIRED
(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
GEORGE H. HAZEL

7 June 2000
(DATE)

BY: Des R. Goyal
Chief, Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

Special Conditions:

- a. You must complete, sign and return the attached "**Compliance Certification**" after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and specific conditions, and that any required mitigation was completed in accordance with the permit conditions. If the work completed is less than that authorized, you must provide a drawing describing the extent of the work completed.
- b. If any part of the authorized work is performed by a **contractor**, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor. The permittee remains responsible for ensuring compliance with all aspects of this permit.
- c. You must use clean, **uncontaminated materials** for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching. Placement of unprotected earthen and gravel fill, broken concrete where more than 50 percent is 12 inches in diameter or less, concrete rubble with exposed rebar, tires, used railroad ties, vehicles/vehicle bodies, construction/demolition debris and used or virgin asphalt are not authorized by this General Permit.
- d. You must dispose of **excess concrete** and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above OHWM and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area. Excess concrete may not be used to grout existing riprap or to pave existing shoreline, lakeward of OHWM, under this general permit authorization.
- e. You must excavate, dredge and/or fill in the watercourse in a manner that will **minimize increases in suspended solids** and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation. Also, care must be taken to keep machinery out of the Lake of the Ozarks to the maximum extent practicable.
- f. You must immediately remove and **properly dispose of all debris** during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- g. You must not **dispose of any construction debris** or waste materials below OHWM of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces. All excavated lakebed sediments must be placed and **stabilized** at a location landward of elevation 665.0 feet UED, where the material cannot enter any water body, including wetlands, by erosion.
- h. You must store all **construction materials, equipment, and/or petroleum products**, when not in use, above anticipated high water levels, and in such a way that they shall not enter waters of the United States.
- i. You must **restrict the clearing of timber** and other vegetation to the absolute minimum required to accomplish the work.
- j. You must not excavate or discharge fill or dredged material lakeward of the OHWM from **March 15 to June 15** unless you obtain written approval in advance from the Kansas City District Corps of Engineers - Regulatory Branch (Corps) or AmerenUE, as specified in the condition "**r**" below. In addition, you must excavate during periods of low or average water levels.

Special Conditions continued:

- k. Upon completion of earthwork operations, you must seed, replant or otherwise **protect from erosion** all fills in the water or on shore, and other areas on shore disturbed during construction. If seeding does not successfully vegetate the disturbed areas by the end of the first growing season, you must implement alternate measures, such as placing riprap, slope terracing with untreated railroad ties, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. You must contact the Corps or AmerenUE, as specified in condition "r" below, prior to beginning work on any additional erosion control measures so that a determination can be made whether further authorization is required.
- l. You must **not** use lumber products treated with **pentachlorophenol or creosote** for the construction of any structure in or over the Lake of the Ozarks. You must replace any existing wood treated with these products where there is contact with the lake waters from inundation, wave action or runoff, or encase the material in concrete such that contact with water is excluded. Chromated copper arsenate (CCA) treated lumber products are acceptable if treated materials must be used.
- m. You must not use the backfilled area of the retaining wall, or any other authorized fill area, for disposal of **septic tank** or other onsite sewage disposal system effluents.
- n. All work must be conducted such that it does not interfere with access to and use of any existing authorized structure. Structures that obstruct or that constitute a **hazard to navigation** are not authorized by this general permit.
- o. This general permit (GP) does not authorize any structure/fill for which the Corps or AmerenUE previously denied authorization or for which the structure/fill is not in compliance with the conditions of a Department of the Army (DA) permit authorization or verification (Nationwide permit (NWP), GP, Letter of Permission (LOP) or individual permit (IP)) or an AmerenUE approval. Such structures/fills may be subject to enforcement action in accordance with Corps regulations or AmerenUE realty rights. Structures/fills that otherwise would be authorized by this GP, but that were constructed on the same property in association with, and integral to, any other unauthorized work (violation), such as unpermitted excavation in the Lake of the Ozarks, are not authorized by this GP until the violation is resolved.
- p. No activity is authorized under this general permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the habitat of such species.
- q. No activity which may affect Historic properties listed, or eligible for listing in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. All prospective permittees must notify the Corps if the activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the Corps that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the Nation Register of Historic Places.
- r. You must provide **notification** to the Corps, and receive written verification of authorization by this general permit, before you begin any work in the Lake of the Ozarks. No existing work is authorized until written verification is provided by AmerenUE or the Corps. Upon the completion of operating procedures with AmerenUE, for the administration of the notification/verification portions of this GP, and the issuance of a public notice, AmerenUE will assume verification responsibilities for all or portions of this GP. The public notice will specify where notifications should be sent.

COMPLIANCE CERTIFICATION

Special condition "a" of this permit document requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Kansas City District at the address shown at the bottom of this page upon completion of the project.

APPLICATION NUMBER (assigned by Kansas City District or AmerenUE) : _____

APPLICANT NAME: _____

ADDRESS: _____

PROJECT LOCATION: In the Lake of the Ozarks, at lake mile _____,
Cove/Arm _____, subdivision and lot _____
in the NE NW SE SW (CIRCLE ONE) of Section _____, Township _____ north, Range _____
west, _____ County, Missouri.

PRIMARY CONTRACTOR NAME/ADDRESS: _____

a. I certify that the authorized work was done in accordance with the Corps GP authorization, including any general or specific conditions.

b. I certify that any required mitigation was completed in accordance with the permit conditions.

c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

List the Name, Address and Telephone No. of all other contractors involved in the project below:

Return this certification to:

Kansas City District Corps of Engineers
Truman Regulatory Satellite Office (ATTN: CENWK OD-RM-HT)
Route 2, Box 29-C
Warsaw, Missouri 65355

Send a copy of this certification to:

AmerenUE
Post Office Box 66149, Mail Code 700
St. Louis, Missouri 63166-6149

APPENDIX I
Retaining Walls and Bank Stabilization

COMPLETED STRUCTURES:

1. Structures completed prior to 18 December 1968, are authorized by a Nationwide Permit for activities occurring before certain dates (33 CFR 330.3).
2. Retaining walls and bank stabilization structures completed after 18 December 1968, which have not been denied authorization by AmerenUE or the Corps, and which have not been authorized by the Corps, are authorized by this GP. Walls and other structures completed after 31 December 1995, must be investigated and the suspected violation resolved according to rules in 33 CFR 326 before the structure can be authorized by this general permit. Note: The Corps, at its discretion, may investigate any retaining wall or other structure or fill that was built in the Lake of the Ozarks without authorization and resolve the violation according to rules in 33 CFR 326, including the possibility of requiring an after-the-fact individual permit application, or order requiring corrective measures or legal action.
3. The previous placement of clean rock or riprap in a revetment for bank stabilization, of a size and quality capable of withstanding expected erosional forces, including minor excavation or grading to prepare a base for the revetment, is authorized by this general permit, provided the work did not fill, drain, or prevent the flow of water into any adjacent wetlands. Clean concrete rubble, where all exposed reinforcing rods have been removed, and the concrete has been broken to a well graded mix of pieces weighing between 20 and 150 pounds, may be used with, or in lieu of, rock.

PROPOSED STRUCTURES:

1. The proposed placement of clean rock or riprap in a revetment for bank stabilization, of a suitable size to withstand expected erosional forces, including minor excavation or grading to prepare a base for the revetment, is authorized by this GP, provided the work will not fill, drain, or prevent the flow of water into any adjacent wetlands. Clean concrete rubble, where all exposed reinforcing rods have been removed, and the concrete has been broken to a well graded mix of pieces weighing between 20 and 150 pounds, may be used with, or in lieu of, rock.
2. Proposed retaining walls, constructed such that the lakeward face of the retaining wall is a maximum of 3 feet lakeward of the toe of any steep bank, where the construction will not fill, drain or prevent the flow of water into any adjacent wetlands, are authorized by this General Permit.
3. This GP does not authorize any retaining walls lakeward of OHWM, where the walls could be, using standard construction methods, constructed such that the lakeward toe of the footing is at or above OHWM.
4. Minor deviations from criteria 2 and 3 above, subject to both AmerenUE and Kansas City District Corps of Engineers concurrence, may be authorized by this GP, to accommodate rock outcrops, smooth transitions to adjacent authorized structures or other special circumstances.
5. All approved encroachments lakeward of OHWM will be subject to the completion of mitigative measures, such as rock blankets, anchored cedar trees or participation in an approved in-lieu-fee mitigation program, as required on the project verification sheet.

APPENDIX I SUMMARY

Structure/Construction Date	Authorization	Mitigation Required
Retaining wall/riprap completed before 18 December 1968	Nationwide permit in 33 CFR 330	no
Retaining wall completed between 18 December 1968 and 31 December 1995	NWKGP-38M	no
Retaining wall completed after 31 December 1995 and before issuance of this GP	Investigation required with possible enforcement action, after-the-fact individual permit, or GP verification with required modification of structure	yes, site specific
Retaining wall not in compliance with previous Corps of Engineers/AmerenUE decision	Possible enforcement action	likely, site specific
Proposed retaining wall, 3 feet maximum encroachment, possible minor variance	NWKGP-38M	yes, site specific

APPENDIX II
Boat Ramps

COMPLETED AND PROPOSED:

1. Structures completed prior to 18 December 1968, are authorized by a Nationwide Permit for activities occurring before certain dates (33 CFR 330.3).
2. Existing or proposed concrete boat ramps or launching tracks are authorized by this GP subject to the following criteria:
 - a. The discharge of fill material or structural components lakeward of the OHWM does not exceed 50 cubic yards concrete, rock, crushed stone or gravel into forms; precast concrete slabs; and steel rods or rails.
 - b. The ramp does not exceed 20 feet wide.
 - c. No more than one ramp is constructed per single family residence or for any single property having 4 housing units or less (apartments, condominiums, extended family complexes, etc.). For larger developments, no more than one ramp per 100 linear feet of lake frontage is authorized.
 - d. Excavation is limited to the area necessary for site preparation and all excavated material is disposed of in a nonwetland area landward of an authorized retaining wall on the subject property, or placed and stabilized at a location landward of elevation 665.0 feet UED, such that the material cannot enter any water body, including wetlands, by erosion.
 - e. No material is placed in wetlands or shallow water areas of the Lake of the Ozarks that typically support aquatic vegetation for any part of the year.
 - f. Dredging/excavation to provide access to deeper water from a proposed boat ramp is not authorized by this GP. Criteria for authorization of dredging/excavation to restore access to existing boat ramps are discussed in Appendix IV.
 - g. The ramp must be well maintained, and must be removed from the lake and the shoreline restored, if other onshore development renders it unusable for boat launching.
3. All approved encroachments lakeward of OHWM will be subject to the completion of mitigative measures, such as rock blankets, anchored cedar trees or participation in an approved in-lieu-fee mitigation program, as required on the project verification sheet.

APPENDIX III

Decks, Piers, Pilings, Breakwaters and Small Pedestrian/Recreational Bridges

COMPLETED AND PROPOSED:

Notes: In accordance with the Water Resources Development Act of 1976, the Corps does not regulate floating and fixed, private and commercial boat docks, and dock mooring cables and access walkways, on the Lake of the Ozarks, provided the docks were placed so as not to interfere with navigation. However, AmerenUE approval is required for all docks at the Lake of the Ozarks.

Bridges over navigable waters of the United States, such as the Lake of the Ozarks, are not regulated under Section 10 of the Rivers and Harbors Act. However, the discharge of fill material in any water of the United States for bridges requires Corps authorization under Section 404 of the Clean Water Act. AmerenUE approval is required for all bridges in or over the Lake of the Ozarks.

1. Structures completed prior to 18 December 1968, are authorized by a Nationwide Permit for activities occurring before certain dates (33 CFR 330.3).
2. This GP does not authorize construction lakeward of OHWM or the permanent mooring in the Lake of the Ozarks, of any structure that will be used as living quarters or for overnight habitation. Fences constructed lakeward of the OHWM are not authorized by this GP.
3. This GP authorizes recreational decks, fishing piers, mooring piles and other minor recreational or ornamental structures constructed prior to the issuance of this GP, provided the materials used conform to Special Condition "1" on page 5 of the permit document.
4. This GP authorizes the proposed construction of recreational decks, fishing piers, mooring piles, breakwaters and other minor recreational structures subject to the following conditions:
 - a. For concrete or solid-fill, fixed docks, walkways or wharfs, the volume of fill placed below OHWM must be 10 cubic yards or less, and the structure must be no more than 6 feet wide.
 - b. For structures on piles (fixed docks, walkways, wharfs, decks, fishing piers, or otherwise cantilevered over the Lake of the Ozarks, the bottom surface of the structure must be at elevation 660.0 feet UED or higher.
 - c. Fishing piers must be 6 feet or less in width, and must not extend more than 30 feet lakeward of OHWM.
 - d. Decks must not extend more than 10 feet lakeward of OHWM, and must be setback a minimum of ten feet from the property line.
 - e. The combined width of all decks, docks, wharfs, walkways and boat ramps on any single property must not exceed 30 feet where the lake frontage is 50 feet or less. On property where lake frontage is greater than 50 feet wide, the combined width of all decks piers and boat ramps is limited to 30 feet, or 30 percent of the length of frontage, whichever is larger.
 - f. Breakwaters, constructed as an integral part of a AmerenUE approved boat dock, are considered part of the dock and do not require Department of the Army permit authorization. For other breakwaters, prior to application for this GP, a determination that the location and design of the structure will not pose a significant risk to boaters must be obtained from the Missouri State Water Patrol. Owners of permitted breakwaters will be required, as noted on the GP verification sheet, to demonstrate proof of liability insurance with provisions for direct notification to AmerenUE and the Corps, by the insurance carrier, of policy cancellation.

APPENDIX III CONTINUED

5. Permittees must install and maintain lighting as recommended or required by the Missouri State Water Patrol.
6. Utility connections to decks and other approved structures must be in accordance with applicable building codes and industry standards.
7. All structures must be well maintained, and must be repaired or removed from the Lake of the Ozarks within 6 months of damage by storm, high or low water, ice, collision or other event.

APPENDIX III SUMMARY

Structure/Construction Date	Authorization	Mitigation Required
Fixed and floating docks	AmerenUE	
Bridges with no associated discharge of fill material	AmerenUE	
Structures completed before 18 December 1968	Nationwide permit in 33 CFR 330	no
Habitable fixed and floating structures; fences	Individual Department of the Army permit	maybe, site specific
Structures not in compliance with previous Corps/AmerenUE decision	Possible enforcement action	
Completed/proposed docks, piers, pilings and recreational bridges	NWKGP-38M	maybe, site specific
Breakwaters	NWKGP-38M	

APPENDIX IV
Dredging and/or Excavation

RESTORING USE OF OR ACCESS TO EXISTING AUTHORIZED and DREDGING/EXCAVATION
ASSOCIATED WITH PROPOSED BOAT DOCKS AND RAMPS:

GENERAL CONDITIONS:

1. Excavation must not be conducted any deeper than elevation 652.0 feet UED, except when approved on the GP verification sheet for the operation of a hydrohoist. Variances for hydrohoist operation will allow excavation to a bottom limit of 651.0 feet UED, and are limited to the absolute minimum area required for normal hoist operation.
2. Access channel excavation for access to docks is limited to a single channel in any narrow cove, and no permittee shall have exclusive use of any excavated access channel. Where possible, the channel must be centered over the center line of the cove. Channel width is limited to 15 feet wide at a channel bottom elevation of 652.0 feet UED. Channel side slopes must be graded to have a final slope of between 1V on 2H and 1V on 3H. The transition zone between the 15 foot wide channel and authorized docks must be no longer than the width of the dock. Variances in location or alignment may be granted or required where the variance would address substantial public interests or where the variance would minimize adverse impacts to the aquatic ecosystem.
3. Access channel excavation for access to boat ramps must be no deeper than the lowest elevation of the ramp, or elevation 652.0 feet UED, whichever is higher. This GP does not authorize the excavation of access channels for boat ramps constructed after the issuance of this GP, where the preconstruction lakebed elevation is 655.5 feet UED or higher. Channel width is limited to the width of the ramp, or 15 feet, whichever is narrower. Channel side slopes must be graded to have a final slope of between 1V on 2H and 1V on 3H. Ramp access channels are limited to 50 feet in length.
4. Excavated sediments may be temporarily stockpiled in the Lake of the Ozarks for three days, pending transport to an upland disposal site, if the stockpile area is at least one foot higher than the highest elevation of the AmerenUE lake forecast for the three day period. Otherwise, all excavated sediments must be loaded directly into trucks or onto barges for transport to the disposal site.
6. Placement of fill in the Lake of the Ozarks, adjacent wetland or any tributary to the Lake of the Ozarks, for the construction of a road to the excavation area is not authorized. Where the lakebed sediments will not support the excavation equipment, removable mats must be used. Mat use is recommended for all excavation projects to minimize adverse impacts to the lakebed habitat.
7. Each verification of this GP authorizes the one-time excavation of the area on the verification sheet. This GP does not authorize excavation of the same work area within three years following the completion of any authorized excavation project.
8. A single anchored cedar tree for each 100 cubic yards of excavation must be placed into the lake. The trees must be anchored with a noncorrosive material by concrete or rock and placed as close to the impact area as possible, where the lakebed is at or lower than elevation 647.0 feet UED. If there are no suitably deep areas near the impact area, the permittee must contact the Fisheries Management Staff of the Missouri Department of Conservation Camdenton Service Center (Telephone 573-346-2210) for alternate locations.
9. At the Corps discretion, and in coordination with the Missouri Department of Conservation, alternate mitigation measures to replace, or augment, those in paragraph 8, may be required, as noted on the project verification sheet.

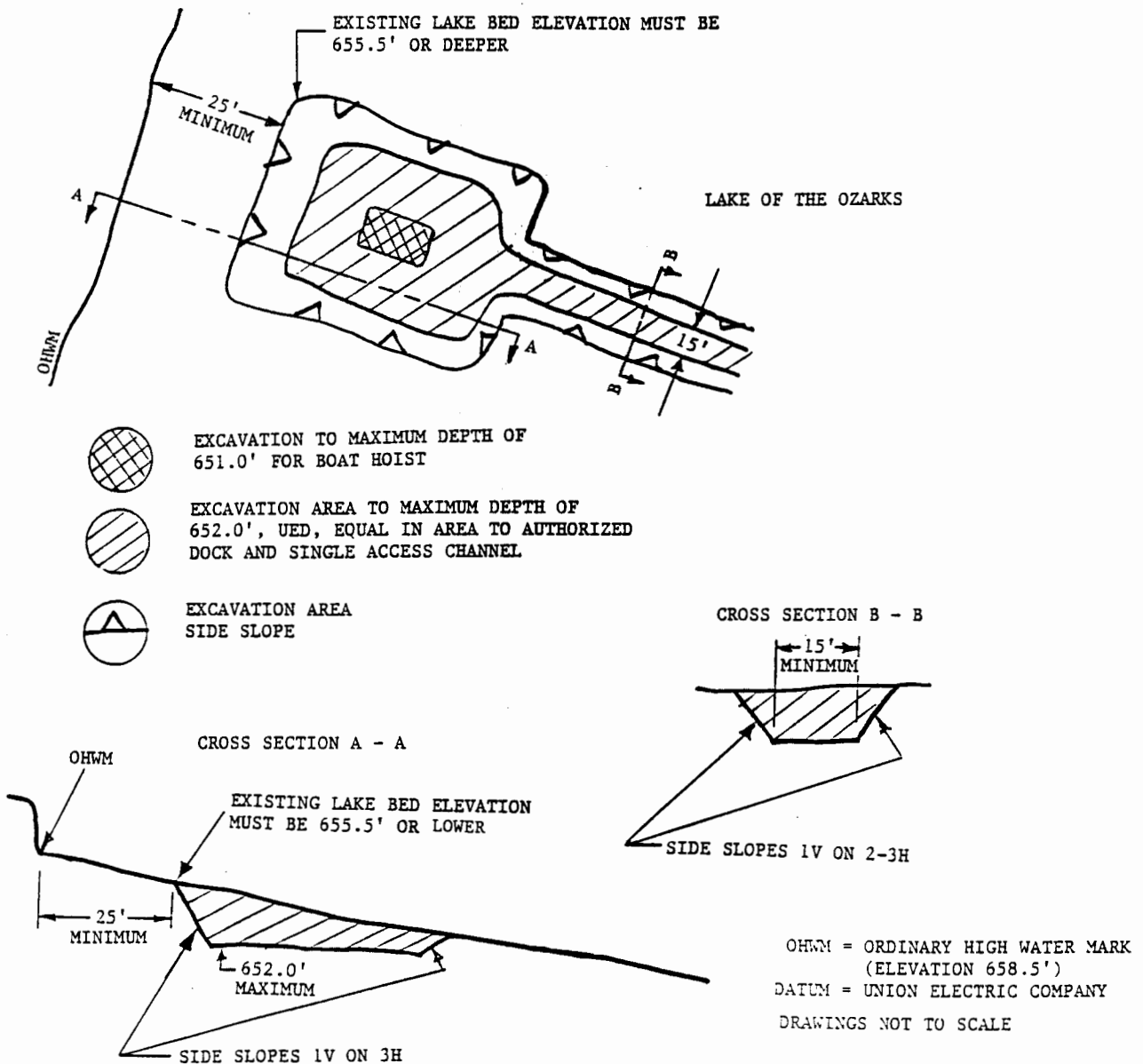
APPENDIX IV CONTINUED

RESTORING USE OF OR ACCESS TO EXISTING AUTHORIZED BOAT DOCKS AND RAMPS:

Excavation for docks is limited to the exact authorized foot print of the dock. The sides of excavation area must be graded to have a final slope of 1 vertical (V) on 3 horizontal (H). Variances in the requirement for side slopes of 1V on 3H will be granted or required where completion of the grading would undermine the structural integrity of any permitted structure, such as retaining walls and piers, or to prevent the encroachment into or erosion of wetlands, vegetated shallows or other environmentally sensitive areas.

DREDGING/EXCAVATION ASSOCIATED WITH PROPOSED BOAT DOCKS AND RAMPS (see attached typical plan view and cross sectional drawing): Excavation for proposed boat docks is limited to areas where the existing lakebed over the entire proposed excavation area is elevation 655.5 feet UED or deeper, and in areas where the excavation may be accomplished such that no excavation, including required side slopes of 1V on 3H, will occur closer than 25 to the OHWM, and the proposed excavation will not promote the erosion of wetland areas. Excavation is prohibited in wetlands and vegetated shallows.

APPENDIX IV TYPICAL DREDGING PLAN VIEW AND CROSS SECTIONS



APPENDIX V
Utilities

COMPLETED AND PROPOSED:

1. The following activities are authorized by this General Permit:

a. Water intake structures, including portable pumps and intake lines attached to floating platforms. Pump systems must be designed to preclude the spillage of fuel and lubricants into the lake, or the arcing of electricity into the lake. Applicant must have AmerenUE approval for the proposed annual water usage, and include a copy of the approval with the application. Portable pumps must be removed from the lake when not in use.

b. Heat pump coils and lines containing liquid for the dissipation or pickup of thermal energy permanently installed with the coils on or supported off the lakebed. The supply lines shall lay on the lakebed and must be buried or otherwise protected from damage entering and exiting the lake. The coils and lines must be of sufficient depth to avoid being a hazard to navigation during times of low lake levels. If any electrical device is installed in the lake for circulation it must have ground fault electrical protection.

c. Submerged utility lines (including placement by directional drilling) that are buried or laid on the bottom of the waterway, provided the entering and exiting portions of the line are trenched into the bottom and the bank to avoid damage to the line. On shore alignment markers may be required, as shown on the verification page.

d. Dry hydrants for fire protection shall have screened intakes, be permanently fixed by burying in the lakebed and bank, and located adjacent to ramps or roads accessible without crossing wetlands.

e. Overhead transmission lines by commercial utility companies for telephone, cable television, and electrical power transmission, where the crossing length from ordinary high water mark (OHWM) to OHWM, is less than 200 feet and the crossing is less than 100 feet from the OHWM at the head of a cove. The low point of the line is defined as the lowest point at final sag, under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length of span, and the type of supports as outlined in the National Electrical Safety Code. All applications for overhead transmission lines require preapplication notification to the Corps prior to authorization by this GP, and the Corps will establish minimum vertical clearance for each proposed line.

APPENDIX VI
Fish Habitat Devices

COMPLETED AND PROPOSED:

1. The placement of anchored brush piles or cedar trees, rock blankets landward of existing approved retaining walls, or other structures constructed of materials consistent with the special conditions of this GP, for the purpose of providing fish habitat, are authorized.

a. No structures are to be placed in areas that are known to support emergent or submergent vegetation during the growing season.

b. Anchoring systems must be designed to prevent the structure from floating into the normal motor boat propeller zone, and to prevent less buoyant structures from moving along the lake bed by lake currents. Anchoring cables/lines must be of a material that will not decompose before the structure decomposes.

NWKGP-38M PROJECT AUTHORIZATION/VERIFICATION SHEET
KANSAS CITY DISTRICT - CORPS OF ENGINEERS

1. Verification No.

2. Verification date:

3. Permittee and mailing address:

4. Agent/Contractor and mailing address:

Phone:

Phone:

4. Project location:

Latitude: __ __' __" || Longitude: __ __' __"

5. Authorized work (As shown on attached drawing(s)):

(Cite applicable GP appendices and list dimensions.)

6. Special conditions/cautions:

7. Verification by: _____
(Name, signature and title)